

109TH CONGRESS
2D SESSION

S. 4068

To clarify provisions relating to statutory copyright licenses for satellite carriers.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 16, 2006

Mr. SUNUNU (for himself and Mr. GREGG) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To clarify provisions relating to statutory copyright licenses for satellite carriers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CLARIFICATION OF STATUTORY COPYRIGHT LI-**
4 **CENSE FOR SATELLITE CARRIERS.**

5 (a) IN GENERAL.—Chapter 1 of title 17, United
6 States Code, is amended by inserting after section 119 the
7 following:

1 **“§ 119A. Clarification of exclusive rights: secondary**
 2 **transmissions of distant network signals**
 3 **for private home viewing by certain sat-**
 4 **ellite carriers**

5 “(a) STATUTORY LICENSE GRANTED.—Notwith-
 6 standing any injunction issued under section
 7 119(a)(7)(B), a satellite carrier found to have engaged in
 8 a pattern or practice of violations under section
 9 119(a)(7)(B) is granted a statutory license to provide a
 10 secondary transmission of a performance or display of a
 11 work embodied in a primary transmission made by a net-
 12 work station in accordance with the provisions of this sec-
 13 tion.

14 “(b) SIGNIFICANTLY VIEWED SIGNALS.—Under the
 15 statutory license granted by subsection (a), a satellite car-
 16 rier may provide a secondary transmission of a primary
 17 transmission made by a network station as provided under
 18 section 119(a)(2)(C)(i).”.

19 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 20 The table of sections for chapter 1 of title 17, United
 21 States Code, is amended by inserting after the item relat-
 22 ing to section 119 the following:

“119A. Clarification of exclusive rights: secondary transmissions of distant net-
 work signals for private home viewing by certain satellite car-
 riers.”.

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